

C. REMARKS***Status of Claims***

Claims 1, 2, 4-6, 8-10, 12-14, 16-18, 20-22, and 24-25 are pending in the application. Claims 1, 10, and 18 are amended. Claims 3, 7, 11, 15, 19, 23, and 26-35 are cancelled.

Interview Summary

On February 22, 2007, at 2PM est, Applicants' representative, Amy Pattillo, conducted a telephone interview with Examiner Liversedge. No demonstrations were made or exhibits shown.

During the interview, Applicants requested the Examiner's evaluation of whether a proposed amendment to claim 1 overcomes the 103(a) rejection of claim 1 under Wang in view of Kroskey and Applicants. In particular, claim 1 as previously presented teaches a broker server that receives a user customized manufacturing order to be produced by a local manufacturer without requiring shipping and the broker server submits the local bid to local manufacturers, receives bids from the local manufacturer for the order where the bids include parts required by the local manufacturer from a remote manufacturer, and then submits the remote bid request to remote manufacturers for the needed parts. Applicants noted that Wang does not teach a submitting a first bid for a customer order to a first set of manufacturers, and then, based on the needs of those manufacturers, submitting a second bid to a different set of manufacturers. Therefore, Applicants noted that Wang does not teach each and every element of claim 1. In addition, Applicants proposed an amendment to claim 1 to clarify that in addition to the broker server handling a first bid request for a whole product and then, based on the results of the first bid request, handling a second bid request for a portion of the product, the broker server combines the bids responsive to the first bid request and the second bid request for selection from by the user and responsive to the user selection, handles placing the bids. Responsive to the proposed amendment, the Examiner noted that in the automotive field, it is common for an OEM to get a first set of bids and then to

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get sublevels of bids. The Examiner indicated that the claim is merely automating a manual process. Further, the Examiner considers Figures 2a, 2b, and 2c to read on the proposed amendment in that it is assumed that suppliers will outsource. Applicants noted that Wang describes a “trustee” that negotiates the information transferred between a buyer and seller, but that none of the Figures or the specification of Wang teaches a “trustee” that negotiates bids, for a buyer, with a first set of manufacturers, and then negotiates bids, for the buyer and the first set of manufacturers, with a second set of manufacturers, as taught in claim 1.

The Pending Claims are not obvious under Wang in view of Kroskey

Claims 1-2, 6-10, 14-18, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US Publication 2002/0087380) in view of “Service Wins Customer Loyalty” by Carol Meres Kroskey (herein referred to as Kroskey). [Office Action, p. 3] In addition, claims 4-5, 12-13, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Kroskey and further in view of Imamura (US Patent 6,128,600). Applicants traverse the rejection of the claims and respectfully assert that claims 1, 2, 4-6, 8-10, 12-14, 16-18, 20-22, and 24-25 are not obvious under Wang in view of Kroskey or Wang in view of Kroskey and further in view of Imamura.

Claims 1, 10, and 18

Claim 1, which is representative of claims 10 and 18, reads:

1.(Currently Amended) A method for coordinating a plurality of local and remote manufacturers for a manufacturing order, said method comprising the steps of:

facilitating, by at least one broker server, user selection of a customized manufacturing order for a product to be manufactured, after placement of said customized manufacturing order, by a particular local manufacturer selected by said user from among a plurality of local manufacturers, wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured products;

dividing, by said broker server, said customized manufacturing

order for said user into a plurality of manufacturable parts;

submitting, by said broker server, a local bid request for said manufacturing order to said plurality of local manufacturers;

receiving, by said broker server, at least one local bid for said manufacturing order from at least one of said plurality of local manufacturers specifying, wherein said at least one local bid specifies a selection of said plurality of manufacturable parts required [[for]] to be manufactured by a remote manufacturer for said at least one of said plurality of local manufacturers to produce[[ing]] said customized manufacturing order; [[and]]

submitting, by said broker server, a remote bid request to a plurality of remote manufacturers for said selection of said plurality of manufacturable parts as requested in said at least one local bids;

responsive to said broker server receiving at least one remote bid for at least one of said selection of said plurality of manufacturable parts, compiling, by said broker server, said at least one local bid and said at least one remote bid into a plurality of display options to enable said user to select said particular local manufacturer and to select at least one particular remote manufacturer from among said plurality of remote manufacturers to provide said selection of said plurality of manufacturable parts required by said particular local manufacturer; and

responsive to said broker server receiving a selection by said user of said particular local manufacturer and said at least one particular remote manufacturer, controlling, by said broker server, placement of said customized manufacturing order with said particular local manufacturer and placement of at least one separate order with said at least one particular remote manufacturer for said selection from among said plurality of manufacturable parts required by said particular local manufacturer to produce said customized manufacturing order.

First, Applicants note the amendment to claims 1, 10, and 18 to clarify the element of receiving, by said broker server, at least one local bid for said manufacturing order from at least one of said plurality of local manufacturers specifying a selection of said plurality of manufacturable parts required to be manufactured by a remote manufacturer for said at least one of said plurality of local manufacturers to produce said customized manufacturing order. Throughout the specification of the present invention, such as paragraphs 0056 and 0070 and Figures 5A and 14, Applicants describe the broker server receiver receiving bids, from local manufacturers, specifying the bid for the order and specifying a selection of the parts the local manufacturer will

need to order from other manufacturers to produce the order, therefore no new matter is added through the clarifying amendment.

In addition, Applicants note the amendment to claims 1, 10, and 18 to teach responsive to said broker server receiving at least one remote bid for at least one of said selection of said plurality of manufacturable parts, compiling, by said broker server, said at least one local bid and said at least one remote bid into a plurality of display options to enable said user to select said particular local manufacturer and to select at least one particular remote manufacturer from among said plurality of remote manufacturers to provide said selection of said plurality of manufacturable parts required by said particular local manufacturer. Throughout the specification of the present invention Applicants describe the broker server receiving at least one remote bid of a selection of the manufacturable parts (Paragraphs 0057, 0069, 0070, Figure 5B, elements 160 and 166) and the broker server compiling the local bids and the remote bids into multiple display options to enable the user to select both the local manufacturer and the remote manufacturer (Paragraphs 0057 and 0071, Figure 5b, elements 168 and 170), therefore no new matter is added through the amendment.

Further, Applicants note the amendment to claims 1, 10, and 18 to teach responsive to said broker server receiving a selection by said user of said particular local manufacturer and said at least one particular remote manufacturer, controlling, by said broker server, placement of said customized manufacturing order with said particular local manufacturer and placement of at least one separate order with said at least one particular remote manufacturer for said selection from among said plurality of manufacturable parts required by said particular local manufacturer to produce said customized manufacturing order. Throughout the specification of the present invention, Applicants describe the broker server receiving a selection by the user of a local manufacturer and at least one remote manufacturer (Paragraphs 0058 and 0071, Figure 5B, element 172) and controlling placement of the customized manufacturing order with the selected local and remote manufacturers (Paragraphs 0058 and 0071, Figure 5B, element 176), therefore no new matter is added through the amendment.

Wang in view of Kroskey does not teach each and every element of claims 1, 10, and 18

With respect to the rejection of claims 1, 10, and 18, Applicants respectfully traverse the rejection in view of amendment claims 1, 10, and 18. Applicants respectfully assert that Wang in view of Kroskey does not teach each and every element of claims 1, 10, and 18, and therefore a prima facie case of obviousness is not established with respect to claims 1, 10, and 18.

In particular, Applicants respectfully assert that Wang in view of Kroskey does not teach or suggest each and every element of receiving, by said broker server, at least one local bid for said manufacturing order from at least one of said plurality of local manufacturers specifying a selection of said plurality of manufacturable parts required to be manufactured by a remote manufacturer for said at least one of said plurality of local manufacturers to produce said customized manufacturing order and submitting, by said broker server, a remote bid request to a plurality of remote manufacturers for said selection of said plurality of manufacturable parts as requested in said at least one local bids. In the rejection of claims 1, 10, and 18, the Examiner cites paragraphs 2, 3, 13, and 15 of Wang as reading on the elements of claim 1 except wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured product. [Office Action, pp. 3, 4] In particular, the Office Action cites paragraphs 2 and 3 as reading on the elements of receiving a local bid from a local manufacturer specifying a selection of the total manufacturable parts required by the local manufacturer to complete the order and then submitting a separate bid to remote manufacturers for those remote manufacturers to bid on producing the selection of parts needed by a local manufacturer. [Office Action, pp. 3, 4] Paragraph 2 of the Field of the Invention in Wang describes:

“the present invention relates to the purchasing of any custom processed goods and a method for improving the predictability of the outcome of such purchases through the agency of a “trustee” who abets the appropriate flow of proprietary information between the prospective buyer and the prospective sellers.”

Paragraph 3 of the Background of the Invention in Wang describes:

"contemporary product marketing processes involve greater and greater use of "outsourcing" in which a single person or firm (the "principal") assumes overall responsibility for the conception, production, marketing, and distribution of particular products, but delegates responsibility for individual steps (or sub-steps) in that process to other persons or firms (the "subcontractors"). Moreover, today's economy involves more and more "globalization" in which principals are outsourcing from their subcontractors at greater and greater distances. The present invention is concerned with the process of outsourcing or subcontracting of custom processing or manufacturing."

During the Interview, the Examiner also indicated that Figures 2a, 2b, and 2c, in combination with the cited paragraphs, read on the claimed limitations because the figures show a buyer and seller communicating via a trustee and paragraph 3 of Wang describes that suppliers will outsource.

First, Applicants address the context of paragraph 3 when Wang is viewed as a whole. Paragraph 3 of Wang within the Background of the Invention, addressing the problem of outsourcing or subcontracting, is following by paragraph 5, which describes that coordinating and controlling subcontracting falls to the purchasing agent or purchasing manager (PA) within the firm and that "ameliorating "subcontracting risk" is a substantial component of the PA's job." Further, paragraphs 6-10 then go on to describe that the PA collects information from subcontractors, often requiring the disclosure of proprietary information to subcontractors so subcontractors can then provide information, which forms the basis of the PA decision whether a subcontractor is reliable. Paragraphs 8 and 9 describe that the process is either inefficient, reduces the number of subcontractors that a PA queries, or increases the risk taken because the PA minimizes disclosure of proprietary information. Paragraph 11 indicates that the invention is directed to the "need for a system and method capable of assisting a decision-maker to prospectively discern the degree of risk associated with a complex, multi-faceted purchasing decision."

In the summary of the invention, Wang specifies that this need, described in paragraph 11, is met by a trustee maintaining an audit for each of a number of suppliers and allowing a buyer to search these audits, as well as performing other intermediary

steps between the buyer and the supplier. Wang describes a “trustee” system that facilitates the flow of proprietary information between principals, where principals are described as a buyer (a PA), a seller (a subcontractor), and the trustee system facilitating communication between the buyer and seller. *Wang*, see paragraphs 2, 3, 12, 28. Figure 2c describes variations on the pattern of a buyer and seller not directly communicating, but instead a buyer communicating to a trustee and the trustee communicating to the seller, and vice versa. *Wang*, paragraph 28. In particular, the trustee controls the proprietary information that can be viewed by the buyer (PA) and the seller (subcontractor). *Wang*, paragraphs 27-44. In one example, the information exchanged between a buyer and a seller via the trustee includes a request for quote by the buyer through the trustee to the seller (paragraph 0039), a seller bid through the trustee to the buyer (paragraph 0040), and a buyer response through the trustee to the seller (paragraph 0041), prior to a buyer selecting to accept the seller bid. Thus, the focus of Wang is a trustee managing the distribution of information and bids between a PA and a subcontractor. In paragraph 3, Wang references subcontractors in the context of an invention in which the subcontractor is a “supplier” and the PA is the “buyer”. Therefore, Applicants respectfully assert that “outsourcing” and “subcontracting” in Wang refers to a seller (or supplier) with which the buyer may communicate through a trustee. No portion of Wang teaches or suggests a seller returning a bid to a trustee which requests the trustee to submit separate bids to other sellers for parts the first seller requires to produce the product.

Claims 1, 10, and 18, in contrast to Wang, teach a broker server that receives a product request from a customer and distributes a first bid request to a first selection of manufacturers. The broker server receives bids from the first selection of manufacturers, where the bids indicate specify a selection of parts required by the local manufacturer from another vendor to be able to produce the product. The broker server then submits a bid request for the selection of parts to a selection of remote manufacturers.

Wang clearly cannot teach or suggest each and every element of claims 1, 10, and 18 for two reasons. First, Wang does not teach a same trustee for (1) facilitating

the bid process between a buyer and first set of sellers AND (2) facilitating the bid process with a second set of sellers based on parts needed by the first set of sellers, which would be required if Wang were to read on the broker server of claims 1, 10, and 18; claims 1, 10, and 18 teach a broker server which, based on a single bid request from a client, facilitates a first set of bid requests for a full product to a first set of manufacturers and then a second set of bid requests for a selection of the parts for that product to a second set of manufacturers. Second, Wang does not teach a seller returning a bid indicating a selection of parts the seller will require from another vendor to produce the product, which would be required if Wang were to read on the broker server of claims 1, 10, and 18; claims 1, 10, and 18 teach local manufacturers returning bids indicating a selection of manufacturable parts required by the local manufacturer to produce the product.

Therefore, because Wang in view of Kroskey fails to teach or suggest at least one element of receiving, by said broker server, at least one local bid for said manufacturing order from at least one of said plurality of local manufacturers specifying a selection of said plurality of manufacturable parts required to be manufactured by a remote manufacturer for said at least one of said plurality of local manufacturers to produce said customized manufacturing order and submitting, by said broker server, a remote bid request to a plurality of remote manufacturers for said selection of said plurality of manufacturable parts as requested in said at least one local bids a prima facie case of obviousness is not established with respect to claims 1, 10, and 18.

In addition, regardless of whether the previous rejection is correct, Applicants respectfully assert that Wang in view of Kroskey does not teach each and every element of responsive to said broker server receiving at least one remote bid for at least one of said selection of said plurality of manufacturable parts, compiling, by said broker server, said at least one local bid and said at least one remote bid into a plurality of display options to enable said user to select said particular local manufacturer and to select at least one particular remote manufacturer from among said plurality of remote manufacturers to provide said selection of said plurality of manufacturable parts required by said particular local manufacturer. As previously noted, the trustee of Wang

does not teach or suggest, based on a manufacturing order, acquiring a bid from a first seller which indicates a selection of parts required by the seller and then acquiring a bid from a second seller for the selection of parts. Therefore, Wang also clearly does not teach the limitation of claims 1, 10, and 18 of the broker server compiling at least one bid from at least one local manufacturer who will produce the order and at least one bid from at least one remote manufacturer who will supply parts for the local manufacturer to produce the order.

Further, as to the amended element of compiling, by said broker server, said at least one local bid and said at least one remote bid into a plurality of display options to enable said user to select said particular local manufacturer and to select at least one particular remote manufacturer from among said plurality of remote manufacturers to provide said selection of said plurality of manufacturable parts required by said particular local manufacturer, Applicants note that dependent claims 7, 15, and 23 previously read compiling said plurality of local bids and said plurality of remote bids into a plurality of selectable bid options for said user. The Office Action previously rejected claims 7, 15, and 23 stating that “Wang discloses compiling bids into a selectable option for a user” and citing paragraphs 3, 5, 13, 39-45, and 47. Applicants respectfully note that Wang does not teach acquiring bids first for a manufacturing order and then for selections of the manufacturable parts for an order, therefore regardless of whether Wang teaches compiling bids in response to an RFQ, Wang does not teach compiling at least one local bid and at least one remote bid. Further, Applicants note that paragraph 13 in the summary of the invention in Wang teaches “the suppliers having an interest in the buyer’s submission each preparing and transmitting a bid to the buyer in response and the buyer reviewing the proposed bids and making a purchase from one of the suppliers of interest. In contrast, claims 1, 10, and 18 enable a client, in response to a single manufacturing order to select the local manufacturer and at least one remote manufacturer from compiled bids from each of the local manufacturers and remote manufacturers. Therefore, because Wang does not teach compiling at least one local bid and at least one remote bid, Wang does not teach each and every element of claims 1, 10, and 18 and the claims should be allowed.

Further, regardless of whether the previous rejection is correct, Applicants respectfully assert that Wang in view of Kroskey does not teach each and every element of responsive to said broker server receiving a selection by said user of said particular local manufacturer and said at least one particular remote manufacturer, controlling, by said broker server, placement of said customized manufacturing order with said particular local manufacturer and placement of at least one separate order with said at least one particular remote manufacturer for said selection from among said plurality of manufacturable parts required by said particular local manufacturer to produce said customized manufacturing order. Applicants note Wang, paragraph 0043 describes "upon the acceptable by the buyer of a given bid, the buyer causes to be transmitted, through the trustee or otherwise, a purchase order." Wang does not, however, describe the trustee, based on a selection by a buyer, controlling placement of a customized manufacturing order with a first seller AND placing a separate order with at least one other seller for a portion of the parts required by the first seller. Therefore, Wang clearly does not teach the limitation of claims 1, 10, and 18 of the broker server controlling placement of the customized manufacturing order with a local manufacturer and placement of at least one separate order with a remote manufacturer for a selection of parts required by the local manufacturer for producing the order.

In addition, as to claims 1, 10, and 18, the Office Action states that Wang does not disclose the limitation wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured products, but that Kroskey discloses the element on pages 1-5. [Office Action, p. 4] In addition, the Office Action notes that "it would be obvious to one of ordinary skill in the art at the time of the invention to modify the making of customized products based on bidding as disclosed by Wang to adapt the option and choice for customers to pick up their products instead of having them shipped as disclosed by Kroskey. The motivation would be that customers may want to assume the responsibility for transporting their product, or they may want the product right away instead of waiting for shipping. Such practice is old and well known within prototype houses, for example. Prototype houses offer customers the ability to come in for design and drawing reviews, then for the

customer to stop in periodically while the product is being made, and then to be on-sight when the product is complete and is going through quality checks. The customer can then take the products with them when they leave, eliminating the need to ship the parts. Such customized parts production in which suppliers bid on part production and in which the customer picks up the parts at completion is old and well known and used significantly within the automotive field for components, for example, among others.”
[Office Action, p. 4]

Applicants respectfully assert that regardless of the description in Kroskey or the prototype houses that a user can pick up a part on-sight, without shipping, Wang as modified by Kroskey or the prototype house does not teach each and every element of claims 1, 10, and 18 when claim 1 is viewed as a whole. The Office Action interprets the limitation of wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured products as merely reading on a shipping option in Wang's system. Claims 1, 10, and 18, however, distinguish between local manufacturers who manufacture a product and distribute the product to the user without shipping and remote manufacturers who provide a selection of the manufacturable parts to the local manufacturer; the broker server enables a user to select bids for both the product as a whole from a local manufacturer and selections of manufacturable parts required by the local manufacturer from a remote manufacturer. Thus, merely if Wang could be modified for a user to select a shipping option from a seller, Wang still does not teach facilitating, by at least one broker server, user selection of a customized manufacturing order for a product to be manufactured, after placement of said customized manufacturing order, by a particular local manufacturer selected by said user from among a plurality of local manufacturers, wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured products and compiling, by said broker server, said at least one local bid and said at least one remote bid into a plurality of display options to enable said user to select said particular local manufacturer and to select at least one particular remote manufacturer from among said plurality of remote manufacturers to provide said

selection of said plurality of manufacturable parts required by said particular local manufacturer.

Therefore, in view of the amended elements to claims 1, 10, and 18, it is clear that Wang and Kroskey, separately or in combination, does not teach each and every element of the claims, a prima facie case of obviousness is not established, and the claims should be allowed.

Claims 2, 4-6, 8-9, 12-14, 16-17, 20-22, and 24-25

Applicants respectfully note that as dependent claims of allowable independent claims 1, 10, and 18, claims 2, 4-6, 8-9, 12-14, 16-17, 20-22, and 24-25 should be allowed.

Conclusion

In view of the foregoing, Applicant respectfully requests that a corrected election requirement be issued. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,

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